

RE: Delegation of Wisconsin Commercial Building Code Authority

This letter is in response to your inquiry concerning the requirements for a municipality to receive delegation to perform certain administrative activities regarding the Commercial Building Code on behalf of the Wisconsin Department of Commerce, Division of Safety & Buildings. There are several options as follows:

1. Delegation of a second class city per s. Comm 61.60(5)(b) to do **plan review and inspections** for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be constructed within the limits of a second class city.
2. Delegation as a municipality (city, village, town or county) per s. Comm 61.60(5)(c) to do **plan review and inspections** of **small** commercial building projects to be constructed within the limits of the municipality (new buildings and their additions totaling not more than 50,000 cubic ft. and alterations affecting not more than 100,000 cubic ft.).
3. Delegation per s. 101.12(3)(g), Wis Stats., to do **inspections only** of **all size** buildings in lieu of the department.
4. Delegation as a municipality (city, village, town or county) per s. Comm 61.60(5)(c) to do **plan review** of **small** commercial building projects to be constructed within the limits of the municipality (new buildings and their additions totaling not more than 50,000 cubic ft. and alterations affecting not more than 100,000 cubic ft.) **and** authorization per s. 101.12(3)(g), Wis. Stats., to do **inspections** of **all size** buildings in lieu of the department. (Note this is in lieu of option #2)
5. Delegation as an appointed agent per s. Comm 61.61 whereby a municipality (city, village, town or county) may request desired administrative responsibilities (such as; plan review of alterations only, expanded plan review beyond the limits outlined under certified, fire protection plan review only, regulation of erosion control, sediment control and storm water management only) and if approved by the department, receive in writing the prescribed responsibilities that are to be assumed.

In summary, the following are requirements that must be met by a municipality in order to receive any delegation:

1. The municipality submits an application (on page 3) to the State of Wisconsin, Department of Commerce, Safety and Buildings Division requesting the Department's delegation to the municipality 30 days before the desired effective date. The application must indicate which of the above options will be chosen.
2. The municipality agrees to obtain the services of an individual who holds and maintains certification as a commercial building inspector in accordance with the administrative rules of Comm 5. (An exception would be the certification of a soil erosion inspector for that type of appointed agent request)
3. The municipality agrees to follow the plan examination and inspection procedures under s. Comm 61.60 (5) and (6). A municipality may refer more complex projects to the department as needed. We will periodically monitor municipalities and request activity reports to ensure that our delegated responsibilities are being properly fulfilled by the municipality.

4. In the case of a second class city or appointed agent desiring to review and inspect all size buildings, there are several additional requirements. These include the retention of a Wisconsin registered architect or engineer that also holds and maintains the commercial building inspector certification and who will perform or directly supervise the plan examinations, provide a monthly report to the department of all projects and the remission of a portion of permit fees to the State of Wisconsin, Department of Commerce, Safety and Buildings Division.

Note that conditions of our delegation may change in the future. Municipalities are always free to relinquish their delegation.

I hope this response adequately answers your inquiry. Should you have additional questions or need further clarification, please feel free to contact Henry Kosarzycki at 608-212-0138 or Noreen Ray at 608-267-7201.

Application Enclosed (next page)

APPLICATION FOR AUTHORITY

Mail to:

State of Wisconsin Department of Commerce  
Safety and Buildings Division  
Noreen Ray, Contract Specialist  
PO Box 2689  
Madison, WI 53701-2689

Our municipality is requesting agent municipality delegation authority from the State of Wisconsin Department of Commerce, Division of Safety & Buildings based on the request described below.

Our inspector for such enforcement is \_\_\_\_\_, Credential # \_\_\_\_\_  
who can be reached at

(phone number) \_\_\_\_\_ (fax) \_\_\_\_\_

We request the delegation (check one):

- ☐ as a second class city per s. Comm 61.60(5)(b) to do **plan review and inspections** for all the types of buildings and structures specified in s. Comm 61.30, except state-owned buildings and structures, to be constructed within the limits of a second class city.
- ☐ as a municipality (city, village, town or county) per s. Comm 61.60(5)(c) to do **plan review and inspections** of **small** commercial building projects to be constructed within the limits of the municipality (new buildings and their additions totaling not more than 50,000 cubic feet and alterations affecting not more than 100,000 cubic feet).
- ☐ per s. 101.12(3)(g), Wis Stats., to do **inspections only** of **all size** buildings in lieu of the department.
- ☐ as a municipality (city, village, town or county) per s. Comm 61.60(5)(c) to do **plan review** of **small** commercial building projects to be constructed within the limits of the municipality (new buildings and their additions totaling not more than 50,000 cubic feet and alterations affecting not more than 100,000 cubic feet) **and** authorization per s. 101.12(3)(g), Wis Stats., to do **inspections** of **all size** buildings in lieu of the department. (Note this is in lieu of option #2)
- ☐ as an appointed agent per s. Comm 61.61 whereby a municipality (city, village, town or county) may request desired administrative responsibilities (such as, plan review of alterations only; expanded plan review beyond the limits outlined under certified; fire protection plan review only; regulation of erosion control, sediment control and storm water management only) and if approved by the department, receive in writing the prescribed responsibilities that are to be assumed.

If appointed agent is requested, fill in the desired administrative responsibilities:

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Signature of Elected or Administrative Official

Title

Date

\_\_\_\_\_ Name (printed)

\_\_\_\_\_ Municipality

\_\_\_\_\_ Address

\_\_\_\_\_ City, Zip Code